

IN THE UNITED STATES BANKRUPTCY COURT

IN RE:

KADINE M WILLIAMS

Debtor

WELLS FARGO BANK, N.A.

Movant

V.

KADINE M WILLIAMS

Respondent

MOTION OF WELLS FARGO BANK, N.A. FOR RELIEF FROM AUTOMATIC STAY

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby

1. Movant is **WELLS FARGO BANK, N.A.**

2. Debtor(s) executed a promissory note secured by a mortgage or deed of trust.

3. Debtor, KADINE M WILLIAMS is the owner of the premises located at **1326**

4. Movant is the holder of a mortgage on the mortgaged premises.

5. Debtor's failure to tender monthly payments in a manner consistent with the

6. Movant wishes to institute foreclosure proceedings on the mortgage because of

to make the monthly payment required hereunder.

7. The foreclosure proceedings to be instituted were stayed by the filing of the

8. As of January 15, 2020, Debtor has failed to tender post-petition mortgage payments for the months of September 2019 through January 2020. The monthly payment amount for the months of September 2019 through January 2020 is \$1,371.76, less suspense in the amount of \$1,029.94, for a total amount due of \$5,828.86. The next payment is due on or before February 1, 2020 in the amount of \$1,371.76. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

9. Movant, **WELLS FARGO BANK, N.A.**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

10. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

11. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

12. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **1326 E BARRINGER STREET, PHILADELPHIA, PA 19119** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Jerome Blank, Esquire

Jerome Blank, Esq., Id. No.49736

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